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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 18511 OF 1992

BETWEEN :

Sri. Bharamappa
major, son of Yallappa
resident of Kallimani
Kukanoor post,
Yelburga Taluk
Raichur District

.. PETITIONER

(Sri H. R. Sripada, Advocate for
petitioner)

A N D :

1. State of Karnataka
represented by its
Commissioner & Secretary
Revenue Department
Multistoreyed Building
Dr. B. R. Ambedkar Veedi,
Bangalore - 560 001
 2. The Deputy Commissioner
Raichur District,
Raichur
 3. The Assistant Commissioner
Koppal Sub-Division,
Koppal
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4. The Tahsildar
Yelburga Taluk
Yelburga
5. Senior Geologist
Raichur District
Raichur

.. RESPONDENTS

(Sri T.P. Nambiar, A.G.A. for R - 1 to 5)

Writ Petition filed under Articles 226 & 227 of the Constitution of India, praying to; issue a writ of mandamus or any other appropriate writ, order or direction as deemed fit, restraining the respondents from interfering with the petitioner's right to excavate, remove and transport granite found in his patta land in accordance with Section 38 of the Karnataka Land Revenue Cord, 1888 and Section 70 of the Karnataka Land Revenue Act in the interest of justice, etc.

This Writ Petition coming on for Hearing, this day, the Court made the following :

O_R_D_E_R

There is no appearance for the petitioner.

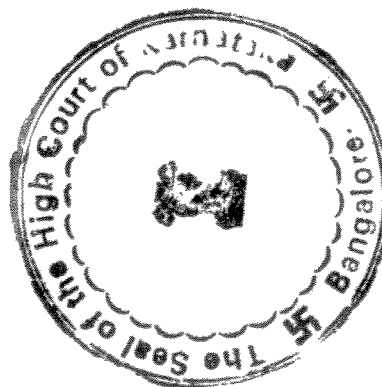
2. The petitioner seeks appropriate relief to permit him to excavate, remove and transport the

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the granite found in his patta land. The learned Government Advocate submits that the land is leased for agricultural purposes and as such he cannot do so. I do not propose to investigate this issue as it is purely a question of fact. The petitioner may approach the Assistant Commissioner, Koppal Sub-Division, Koppal, the 3rd respondent herein, for appropriate permission to excavate, remove and transport the granite in the land referred to in the Writ Petition and the 3rd respondent will examine the same and pass appropriate orders. The writ petition is disposed of as above.

Sd/-
JUDGE



Pkc/Hrp